



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

**OFFICE OF THE  
INSPECTOR GENERAL**

April 6, 2020

**MEMORANDUM TO:** Margaret M. Doane  
Executive Director for Operations

**FROM:** Dr. Brett M. Baker /RA/  
Assistant Inspector General for Audits

**SUBJECT:** STATUS OF RECOMMENDATIONS: AUDIT OF THE U.S.  
NUCLEAR REGULATORY COMMISSION'S  
CONSULTATION PRACTICES WITH FEDERALLY  
RECOGNIZED NATIVE AMERICAN TRIBAL  
GOVERNMENTS (OIG-18-A-10)

**REFERENCE:** DIRECTOR, OFFICE OF NUCLEAR MATERIAL SAFETY  
AND SAFEGUARDS, MEMORANDUM DATED APRIL 3,  
2020

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated April 3, 2020. Based on this response, recommendations 1 and 2 remain open and resolved. Recommendations 3, 4, and 5 were previously closed. Please provide an updated status of the resolved recommendations by May 1, 2021.

If you have any questions or concerns, please call me at (301) 415-5915, or Mike Blair, Team Leader, at (301) 415-8339.

Attachment: As stated

cc: C. Haney, OEDO  
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## **Audit Report**

### **AUDIT OF U.S. NUCLEAR REGULATORY COMMISSION'S CONSULTATION PRACTICES WITH FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL GOVERNMENTS**

**(OIG-18-A-10)**

#### **Status of Recommendations**

Recommendation 1: Update MD [Management Directive] 5.1 to include FSTB [Federal, State, and Tribal Liaison Branch] when working with Tribes. The guidance should also clearly define FSTB's role and responsibilities with regard to Tribal outreach and consultation.

Agency Response Dated  
April 3, 2020:

The OIG indicated that the proposed actions meet the intent of the recommendation and the recommendation would be closed after verifying that the Chairman has approved the revisions to MD 5.1 to include FSTB roles and responsibilities with regard to Tribal outreach and consultation for FSTB and the FSTB Tribal liaisons.

#### Status

The staff updated MD 5.1. MD 5.1 is with the U.S. Nuclear Regulatory Commission (NRC) Chairman for approval.

OIG Analysis:

The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying the Chairman has approved the revisions to MD 5.1 to include FSTB roles and responsibilities with regard to Tribal outreach and consultation for FSTB and the FSTB Tribal liaisons.

**Status:**

Open: Resolved.

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# **AUDIT OF U.S. NUCLEAR REGULATORY COMMISSION'S CONSULTATION PRACTICES WITH FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL GOVERNMENTS**

**(OIG-18-A-10)**

### **Status of Recommendations**

Recommendation 2: Update NRC office procedures to include more specific direction on how to coordinate with FSTB and how to work with Tribes.

Agency Response Dated  
April 3, 2020:

The OIG indicated that this recommendation would be closed after verifying that the NRC staff has finished updating office-specific procedures/guidance documents that coincide with TR-100 and include more specific direction on how to coordinate with FSTB and how to work with Tribes.

#### Status

Updates are being made to office procedures and guidance to include more specific information on how to coordinate with the Materials Safety and Tribal Liaison Branch, where the Tribal liaison function is now located, and how to work with Indian Tribes. Interim Staff Guidance (NMSS-ISG-02), "Guidance for Conducting the Section 106 Process of the National Historic Preservation Act for Uranium Recovery Licensing Actions" have been completed. Although not an office procedure or guidance, the changes to MD 6.3, "The Rulemaking Process" are responsive to the OIG recommendations. LIC-203, Revision 4, "Procedural Guidance for Categorical Exclusions, Environmental Assessments, and Considering Environmental Issues," is nearing completion. The revisions to NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," and NUREG-1555, "Environmental Standard Review Plan—Standard Review Plans for Environmental Reviews for Nuclear Power Plants," need to be completed.

As part of the change to the procedures, it is expected that the update to MD 8.2, "NRC Incident Response Program,"

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### **Status of Recommendations**

#### Recommendation 2 (cont.):

would include changes responsive to the OIG's recommendation. Subsequently, a new target date of January 2023 for completing these updates has been established. This new target date corresponds to the update of MD 8.2. Although MD 8.2 is not an office procedure or guidance, it has been determined that the next revision to MD 8.2 is expected to include changes responsive to the OIG recommendation.

#### **OIG Analysis:**

The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying that NRC has finished updating office-specific procedures/guidance documents, including applicable Management Directives, that coincide with TR-100, and include more specific direction on how to coordinate with FSTB and how to work with Tribes.

#### **Status:**

Open: Resolved.